

Consultation Response from: KC Environmental Health (Pollution & Noise Control)
2021/93399 Land Adjacent to, 569, New Hey Road, Mount, Huddersfield, HD3 3XN
Outline application for demolition of agricultural and storage buildings and erection of residential development (& dwellings)
Date Responded:
21st April 2022
Responding Officer:
Rebecca Muff
Responding Ref:
WK/202212669
Air Quality

In our previous comments dated 25th October 2021 we recommended a condition requiring an Air Quality Assessment to determine the impact that the poor air quality in the area will have on the future occupiers of the proposed development.

Since then, an Air Quality Assessment by Redmore Environmental (ref: 5499r1) (dated: 11th April 2022) has been submitted in support of the application. The report details the impact that the development will have on existing air quality, and how this will impact existing and future sensitive receptors during the construction and operational phases, whilst also considering if the development will be exposing future residents to poor air quality.

Operational Phase

A quantitative assessment was undertaken using dispersion modelling (ADMS-Roads) and monitoring data provided by Kirklees Council. This was to determine baseline conditions at the site and assess the impact of the development on existing sensitive receptors and future users of the proposed development. The pollutants modelled were Nitrogen Dioxide (NO₂) and particulates (PM₁₀ and PM_{2.5}) The results were compared against the air quality objectives to determine any potential exceedances. The results of the dispersion modelling indicate that predicted annual mean concentrations were all below the current national air quality objectives for those pollutants. The report concludes that during the operational phase the impact of the development is predicted to be not significant in accordance with the Institute of Air Quality Management (IAQM) Land-Use Planning & Development Control: Planning for Air Quality (2017) guidance. The development will not impact on existing air quality, nor will it be exposing future residents to poor air quality.

Construction Phase

For the construction phase a qualitative assessment of fugitive dust emissions was undertaken in accordance with the IAQM document Guidance on the Assessment of Dust from Demolition and Construction V1.1. This involved a risk assessment to identify all potential sources of dust during demolition, earthworks and construction and the risk of impact at sensitive receptor locations within 350m of the site boundary. From this the potential significance impact of dust emissions associated with the development without mitigation measures was determined. The report concluded that there is the potential for air quality impacts due to fugitive dust emissions from the site, but that these impacts could be controlled by the implementation of good practice dust control mitigation. The mitigation measures are outlined in Table 18 – titled Fugitive Dust Emission Mitigation Measures on pages 28-29 of the report.

Comment

We accept the Air Quality Assessment by Redmore Environmental (ref: 5499r1) (dated: 11th April 2022) and agree with the methodology and concur with the conclusions. Therefore,

condition AQIAC 2 Air Quality Impact Assessment – New receptors in area of poor AQ, is no longer necessary.

However, for the construction phase of the development, we expect the best practice mitigation measures as detailed in the report to be implemented. Therefore, a condition will be necessary to control fugitive dust emissions during the demolition /construction phase.

All other previously recommended conditions remain, and for clarity these are listed below.

Recommended Conditions

Dust1 Implement agreed Dust Mitigation Scheme – Condition

Upon commencement of any demolition or construction work, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Table 18 of the Air Quality Assessment by Redmore Environmental (ref: 5499r1) (dated:11th April 2022) and retained for the duration of the demolition and construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and ~~xxxxx~~ of the Local Plan

CLC1 Submission of a Phase 1 Preliminary Risk Assessment Report - Condition

Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC2 Submission of a Phase 2 Intrusive Site Investigation Report - Condition

Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (CLC1) groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC3 Submission of Remediation Strategy - Condition

Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (CLC2) further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC4 Implementation of the Remediation Strategy - Condition

Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (CLC3). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC5 Submission of Validation Report - Condition

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

CLC 7 Contaminated land - Footnote

All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. Reports must be prepared in accordance with the following guidance:

- *Land Contamination Risk Management (LCRM)*
- BS 10175:2011+ A2:2017 *Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

NC9 Noise Assessment Report and Mitigation Scheme - Condition

Before construction work commences a report specifying the measures to be taken to protect the development from noise from all significant noise sources that are likely to affect the proposed development including road traffic shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other

habitable rooms of the development (this is for housing think whether there would be alternative wording for other uses)

- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

NF4 Competent Person - Footnote

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

CSC1 Construction Site Working Times - Condition

Noisy construction related activities shall not take place outside the hours of:

07.30 to 18.30 hours Mondays to Fridays

08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and xxxxx of the Local Plan

CSF1 Construction Sites working times – Footnote

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

EVC1 Electric Vehicle Charging Points - Condition

Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

EVF1 Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is

more likely to be futureproof

- Standard charging points for single residential properties that meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.